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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TODD R.G. HILL

Plaintiff,

vs.

THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,

Defendants.

Case No.: 2:23-cv-01298-CV (BFM)

**STATE BAR DEFENDANTS’
OPPOSITION TO PLAINTIFF’S
CONSOLIDATED MOTION FOR
(1) CERTIFICATION OF
INTERLOCUTORY APPEAL
UNDER 28 U.S.C. § 1292(b) AND
(2) ENTRY OF PARTIAL FINAL
JUDGMENT UNDER RULE 54(b)**

I. INTRODUCTION

The State Bar Defendants submit the following Opposition to Plaintiff Todd Hill’s Consolidated Motion for (1) Certification of Interlocutory Appeal Under 28 U.S.C. § 1292(b) and (2) Entry of Partial Final Judgment Under Rule 54(b).

The request for certification of an interlocutory appeal is not appropriate for two reasons. First, Plaintiff has failed to demonstrate that the Court’s May 27, 2025, “Order Denying Reconsideration” (Dkt. 312) (the “Reconsideration Order”) constitutes an interlocutory order under 28 U.S.C. section 1292(b), nor can he do so for the reasons discussed herein. Second, Plaintiff is mistaken as to his contention that the Court has ruled on his May 1, 2025, “Motion to Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e)” (Dkt. 286) (the “Motion to Amend”). The Reconsideration Order (Dkt. 312) only addressed Plaintiff’s earlier March 28, 2025, “Motion for Reconsideration of Court’s Order” (Dkt. 253) (the “Reconsideration Motion”). As such, Plaintiffs’ May 1 Motion to Amend is still pending. In view of these deficiencies, certification of an interlocutory appeal is not appropriate under the instant circumstances.

To the extent the Court is inclined to deny Plaintiff’s request for certification of an interlocutory appeal and instead treat the Motion as solely seeking entry of final judgment in favor of the State Bar Defendants under Rule 54(b) of the Federal Rules of Civil Procedure, the State Bar Defendants do not oppose the request. Although there are multiple parties remaining in this case, the State Bar Defendants were previously dismissed without leave to amend. Dkt. 248. Further, entry of final judgment in favor of the State Bar Defendants, and

1 against Plaintiff, will moot Plaintiff's improper request for an interlocutory
2 appeal.¹

3 **II. LEGAL STANDARD**

4 Pursuant to 28 U.S.C. section 1292(b), where "a district judge, in making in
5 a civil action an order not otherwise appealable under this section, [is] of the
6 opinion that such order involves a controlling question of law as to which there is
7 substantial ground for difference of opinion and that an immediate appeal from the
8 order may materially advance the ultimate termination of the litigation, he shall so
9 state in writing in such order." A party seeking relief in accordance with this
10 provision must do so "within ten days after entry of the order." 28 U.S.C. §
11 1292(b).

12 Under Rule 58(a) of the Federal Rules of Civil Procedure, with exceptions
13 not applicable here, every judgment must be set out in a separate document. In
14 addition, Rule 58(d) provides that a party may request that judgment be set out in
15 a separate document as required by Rule 58(a). Finally, Rule 54(b) permits entry
16 of a final judgment "as to one or more, but fewer than all, claims or parties only if
17 the court expressly determines there is no just reason for delay."

18 **III. LEGAL ARGUMENT**

19 **A. The Motion Should Be Denied Because the Reconsideration** 20 **Order Is Not an Appealable Interlocutory Order Under 28** **U.S.C. § 1292(b)**

21 Treatment of the Reconsideration Order as an appealable interlocutory order
22 under 28 U.S.C. section 1292(b) is not appropriate because the Court did not
23

24 ¹Plaintiff contends the State Bar Defendants are prohibited from responding to the
25 Motion because the Court previously entered an order dismissing the State Bar
26 Defendants with prejudice. *See* Dkt. 340. Notably, Plaintiff cites no cases
27 supporting his position that the State Bar is unable to respond to his motion. Not
28 only has judgment not yet been entered (*Disabled Rts. Action Comm. v. Las Vegas*
Events, Inc., 375 F.3d 861, 870 (9th Cir. 2004)), Plaintiff's argument would mean
that a defendant in whose favor judgment was entered could not oppose even a
post-judgment motion. That is plainly wrong, and Plaintiff's unfounded objection
should be disregarded.

1 certify the order as such. Specifically, the Reconsideration Order contains no
2 opinion by this Court that the Reconsideration Order “involves a controlling
3 question of law” such that “an immediate appeal” would “materially advance the
4 ultimate termination of the litigation.” 28 U.S.C. § 1292(b).

5 Even if the Court had certified the order for an interlocutory appeal (which
6 it did not), the request is untimely. The Reconsideration Order was entered on
7 May 27, 2025. *See* Dkt. 312. Plaintiff did not seek relief pursuant to 28 U.S.C.
8 section 1292(b) until June 19, 2025, well after expiration of the ten-day time
9 period prescribed by the statute. Because the Reconsideration Order does not meet
10 the requirements of 28 U.S.C. section 1292(b), it does not constitute an appealable
11 interlocutory order under this statute and the Motion should be denied.

12 **B. The Motion Should Be Denied Because the Court Has Yet to**
13 **Rule on the Motion to Amend**

14 The instant Motion is predicated on Plaintiff’s erroneous contention that the
15 Court has ruled on his May 1 Motion to Amend. *See* Dkt. 286. In fact, the Motion
16 to Amend is still pending. Although the Court did issue the Reconsideration Order
17 (Dkt. 312), the Court’s findings in said order are limited to Plaintiff’s arguments
18 in favor of his March 28 Motion for Reconsideration (Dkt. 253). Indeed, there is
19 no indication that this Court intended the Reconsideration Order to address, not
20 just the Reconsideration Motion but additionally, the Motion to Amend. *See* Dkt.
21 312, p. 4 (“For the foregoing reasons, the court DENIES the Motion for
22 Reconsideration (ECF 253)”). In the absence of a ruling on the Motion to Amend,
23 the request for an interlocutory appeal on such a (nonexistent) basis is premature
24 and the Motion should be denied.

25 **C. To the Extent the Court is Inclined to Treat the Motion as a**
26 **Request for Entry of Partial Judgment, the State Bar**
Defendants Do Not Oppose the Requested Relief.

27 As indicated in Plaintiff’s moving papers, there is no question this Court has
28 previously entered multiple orders dismissing the State Bar Defendants from the

1 instant litigation “with prejudice.” *See* Dkt. 145, 248. Following the Court’s
2 second dismissal with prejudice, Plaintiff proceeded to file the Reconsideration
3 Motion (Dkt. 253), as well as the Motion to Amend (Dkt. 286). As of the filing of
4 the instant Motion, the Court issued the Reconsideration Order with respect to the
5 Reconsideration Motion but has yet to rule on the Motion to Amend. *See* Dkt. 312.
6 Because the Motion to Amend remains pending, the State Bar Defendants have
7 yet to seek entry of judgment from the Court as authorized by Rules 54(b) and
8 58(d). The foregoing notwithstanding, the State Bar Defendants do not object to
9 entry of a judgment in their favor consistent with the Court’s orders dismissing
10 them with prejudice. Doing so will effectively moot Plaintiff’s improper request
11 for an interlocutory appeal.

12 **IV. CONCLUSION**

13 In view of the foregoing, Plaintiff Todd Hill’s Motion should be denied to
14 the extent it requests that this Court certify an interlocutory appeal on the basis of
15 the Reconsideration Order. As to Plaintiff’s alternative request for entry of
16 judgment pursuant to Rule 54(b), the State Bar Defendants do not object to the
17 Court’s entry of a judgment in their favor, and against Plaintiff, which reflects
18 their dismissal from the instant action with prejudice.

19
20 Dated: July 2, 2025

STATE BAR OF CALIFORNIA
OFFICE OF THE GENERAL COUNSEL

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22
23 By: /s/ Helene A. Simvoulakis-Panos
HELENE A. SIMVOULAKIS-PANOS
24 Assistant General Counsel
25 Attorneys for Defendant
26 STATE BAR OF CALIFORNIA
27
28

DECLARATION OF SERVICE

I, Jenny Batdorj, hereby declare: that I am over the age of eighteen years and am not a party to the within above-entitled action, that I am employed in the City and County of Los Angeles, that my business address is The State Bar of California, 845 South Figueroa St., Los Angeles, CA 90017.

On July 2, 2025, following ordinary business practice, I filed via the United States District Court, Central District of California electronic case filing system, the following:

**STATE BAR DEFENDANTS' OPPOSITION TO PLAINTIFF'S
CONSOLIDATED MOTION FOR (1) CERTIFICATION OF
INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b) AND (2)
ENTRY OF PARTIAL FINAL JUDGMENT UNDER RULE 54(b)**

Participants in the case who are registered CM/ECF users will be served.

See the CM/ECF service list.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, California, on July 2, 2025.

/s/ Jenny Batdorj
Jenny Batdorj